

REMARKS

Applicants have carefully considered the Office Action dated May 31, 2005, regarding the above-identified application, and the claim amendments above together with the remarks that follow are presented in a bona fide effort to respond thereto and address all issues raised in that Action. Claim 5 has been recast in independent form. Independent claims 1, 17 and 26 have been amended to more clearly distinguish over applied art, as discussed below; and a number of dependent claims have been amended to conform to the revised independent claims. Care has been taken to avoid introduction of new matter. Prompt favorable reconsideration is requested.

The Office Action indicated that Figs. 1-3 should be labeled 'Prior Art.' This requirement is traversed. The specification discusses these three drawings with regard to inventive processing subject matter. As such, Figs. 1-3 are not specifically delineated as prior art in the specification and should not need to be labeled as such. Withdrawal of the requirement is requested.

Applicants' note with appreciation the Examiner's indication that claim 5 would be allowable if recast in independent form. By the amendment above, the limitations of the original versions of independent claim 1 and intervening claims 3 and 4 have been bodily incorporated into claim 5. The scope of amended claim 5 should correspond to its original dependent form (without narrowing amendment). However, since the claim now is independent, claim 5 should be allowable.

The Action included an objection to the wording of claims 7-9, on the grounds that the phrase "detection the other selected condition" in claim 7 was incomplete. For reasons discussed below, claims 7-9 have been amended to replace "selected" with "trigger." To address the objection, claim 7 now recites "detection of the other trigger condition." It is respectfully

submitted that the revised language is clear, concise and complete; therefore the objection to claims 7-9 should be withdrawn.

Claims 1-4, 6, 7, 10-15 and 17-27 stand rejected under 35 U.S.C. § 102(e) as anticipated by US patent no. 6,529,620 to Thompson. The Thompson patent discloses a device for capturing video, audio, text, voice and error codes, during maintenance testing of a jet engine or the like (see e.g. column 5, lines 4-35).

Technology disclosed in this application includes diagnostic tools that monitor a number of different types of real-time data during a test, e.g. during an engine test. One of the parameters is specifically monitored to detect a condition or event that will “trigger” capture of data regarding the measured parameters at or around the time of event detection (see e.g. Abstract). The video/audio/text/data capture of Thompson is quite different.

Independent claims 1, 17 and 26 have been amended to more clearly indicate that the selection of a condition selects a “trigger condition with respect to measurement of the selected parameter” and that capture of data for multiple parameters is triggered upon (or in response to) occurrence of the “trigger condition” in relation to the particular selected parameter. These independent claims also now indicate that the parameter data is received in real time and the data is analyzed to detect occurrence of the trigger condition. Support for the amended claim language appears throughout the written description and drawings. As just one example, attention is directed to paragraph [0047] (top of p. 9) of the specification. In view of the present claim language, it is believed that Thompson does not satisfy all of the recitations of independent claims 1, 17 and 26; and the anticipation rejection is traversed.

Thompson apparently captures all incoming data when operated in the data capture mode, e.g. when activated by the user during a probe test. The rejection alleges that Thompson teaches

“processing (using CPU 92) measurement data and analyzing a relationship of the measurement data for the selected parameter to the selected condition.” However, the “analysis” apparently provides only a historical perspective (see abstract, as cited by the Examiner; see also column 4, lines 52-56). The rejection also alleges that Thompson teaches “triggering capture of measurement data for the plurality of physical parameters for review/replay by the user.” However, it is not seen where the analysis triggers the data capture. Instead, Thompson seems to suggest that the user activates data capture, e.g. when the inspector inserts the camera 50 to obtain an image (see e.g. column 6, lines 51-55). It is therefore submitted that there is no triggering of capture based on analysis of real-time measurement data received during the test disclosed in Thompson. Also, there is no selection of a parameter and attendant selection of a trigger condition with respect to measurement of the selected parameter, for activating the actual data capture upon occurrence of the trigger. For at least these reasons, Thompson does not anticipate any of independent claims 1, 17 and 26; and the anticipation rejection of claims 1-4, 6, 7, 10-15 and 17-27 over Thompson should be withdrawn.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103 as unpatentable over Thompson. In this rejection, the Examiner posits that it would have been obvious to apply Boolean logic to the event detection allegedly taught by Thompson. However, since Thompson does not teach selecting a parameter and a trigger relative to that parameter, some general addition of Boolean logic still would not lead one of skill in the art to a technique allowing a user to select a parameter and a trigger condition relating to that parameter, for use in activating data capture. Hence, claims 8 and 9 patentably distinguish over Thompson.

Claim 16 stands rejected under 35 U.S.C. § 103 as unpatentable over Thompson in combination with US patent no. 5,186,080 to Simon, Jr. et al. (‘Simon’). Simon discloses an

engine speed control system, to provide a controlled 'drive-on' feel when the driver suddenly lets up on the accelerator pedal. The Examiner alleges that it would have been obvious in view of Simon to modify Thompson's device so as to monitor and detect a condition in relation to a speed parameter. Even if one of the parameters involved in the Thompson test is a speed parameter (as modified in the rejection in view of Simon), the resulting system would still capture all incoming data when operated in the data capture mode, e.g. when activated by the user during a test, as taught by Thompson. Such a system would not allow a user to select a parameter and a trigger condition relating to that parameter, for use in activating data capture, as now required by claim 16 (by virtue of dependency from claim 1). Hence, claim 16 patentably distinguishes over the proposed combination of Thompson and Simon.

Upon entry of the above claim amendments, claims 1-27 remain active in this application. Claim 5 is allowable; and all of the other claims should be novel and unobvious over the applied documents for the reasons discussed above. Accordingly, all claims are in condition for allowance, and this case should now be ready to pass to issue. Applicants therefore respectfully request a prompt favorable reconsideration of this matter.

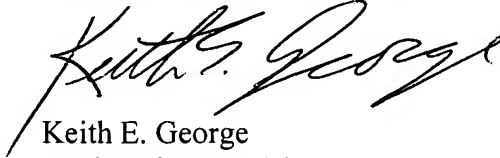
It is believed that this response addresses all issues raised in the May 31, 2005 Office Action. However, if any further issue should arise that may be addressed in an interview or an Examiner's amendment, it is requested that the Examiner telephone Applicants' representative at the number shown below.

Application No.: 10/700,046

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Keith E. George
Registration No. 34,111

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8603 KEG:apr
Facsimile: 202.756.8087
Date: August 17, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**